

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

DOUGLAS L. SMITH, et al.,

Plaintiffs,

vs.

Civ. No. 98-558 BB/WWD

AMERICAN HOME PRODUCTS CORPORATION,  
et al.,

Defendants.

MEMORANDUM OPINION AND ORDER

This matter comes before the Court upon a Joint Unopposed Motion for Extension of Expert and Discovery Deadlines. The parties seek to extend the deadline on discovery until April 28, 2000, and the date for the filing of the package on a discovery motion until May 30, 2000. The motion also seeks to extend the time for identifying American Home Products' experts other than its expert nephrologist and its expert pathologist, and to serve the Rule 26 reports from all its experts, until February 28, 2000. The parties also seek to extend until March 15, 2000, the time for Perrigo and Pharmaceutical Formulations to serve their Rule 26 expert reports. The parties are expressly not requesting that the trial setting of July 10, 2000, be rescheduled and a new deadline on dispositive motions is not sought. In allowing additional time for discovery, discovery motions, and for expert identification and reports, I do not reopen the schedule for dispositive motions; nor do I intend to supply leverage for a litigant seeking to continue the trial

setting. Rather than have the trial date so manipulated, I would simply deny the instant motion.

The purpose of this Memorandum Opinion and Order is solely to grant the limited relief sought.

The deadline for discovery shall be April 28, 2000. The deadline for the filing of a package on a discovery motion shall be May 30, 2000. The deadline for identifying American Home Products' experts other than its expert nephrologist and its expert pathologist, and for serving Rule 26 reports from all its experts, shall be February 28, 2000. The deadline for Perrigo and Pharmaceutical Formulations to serve their Rule 26 expert reports shall be March 15, 2000.

Discovery shall proceed in accordance with the foregoing.

**IT IS SO ORDERED.**

  
UNITED STATES MAGISTRATE JUDGE